



Attorney Docket No. UAB-16802/22

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert P. Kimberly et al.

Serial No.: 10/049,329

Group Art Unit: 1634

Filing Date: June 10, 2002

Examiner: Jeanine Anne Goldberg

For: GENETIC POLYMORPHISM IN THE IL-10 PROMOTER

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**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action mailed October 28, 2004 issued in connection with the above-identified application, please consider the following remarks.

**REMARKS**

By this Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121 and §372:

- Group I: Claims 1-8, drawn to a method for determining IL-10 promoter alleles specific to an individual human and a method of predicting a human immunoresponse to a disease using an IL-10 promoter genotype.
- Group II: Claim 9, drawn to a kit comprising reagents for identifying a SNP in IL-10 promoter genotype with instructions.

Group III: Claims 10-11, drawn to a diagnostic for disease comprising an IL-10 promoter region having a SNP.

Responsive to the requirement for restriction, Applicant elects to prosecute the invention of Group I directed to a method for determining IL-10 promoter alleles specific to an individual human and a method of predicting a human immunoresponse to a disease using an IL-10 promoter genotype, **without traverse**.

Respectfully submitted,



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Date: 12/27/04

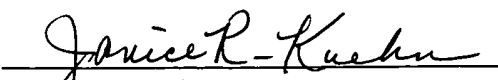
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Janice R. Kuehn